

A RESOLUTION of the Common Council of the City of Fort Wayne approving Rules and Regulations, Right-of-Way Occupancy in connection with persons or organizations seeking a permit.

WHEREAS, the Common Council of the City of Fort Wayne has adopted Ordinance S-54-85, entitled "Fees for Use of Rights-of Way," and

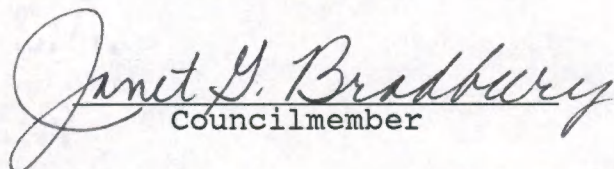
WHEREAS, said Ordinance extended authority to the Board of Public Works and Safety to charge additional sums for other uses of its rights-of-way; and

WHEREAS, the Board of Public Works and Safety has prepared such Rules and Regulations for Right-of-Way Occupancy.

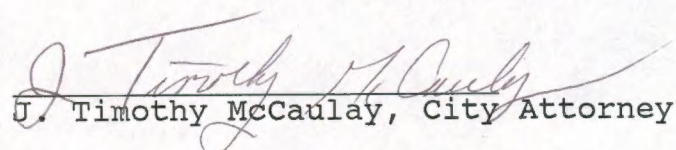
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Rules and Regulations, Right-of-Way Occupancy, of the Board of Public Works and Safety with respect to permits and fee schedule are hereby approved and ratified. Two copies of said rules and regulations are available for inspection in the office of the Clerk of the City of Fort Wayne and are incorporated herein by reference.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

77-318-20
fil

BOARD OF PUBLIC WORKS AND SAFETY

RULES AND REGULATIONS

RIGHT-OF-WAY OCCUPANCY

Pursuant to its rule making authority specified under Section 25-1(c) of the Municipal Code of the City of Fort Wayne, the Board of Public Works and Safety for the City of Fort Wayne hereby adopts the following rules and regulations governing the use of the City of Fort Wayne Rights-of-Way by those persons or organizations seeking a permit pursuant to paragraph (B) of Section 25-1 of the Municipal Code of the City of Fort Wayne, Indiana.

1.) APPLICATION REQUIRED

a.) Not less than 48 hours prior to the anticipated occupancy of any city right-of-way in the case of street closures, and not less than 14 days prior to the anticipated occupancy in the case of structures, parties seeking such occupancy shall make application to the Board of Public Works and Safety on the form provided therein.

b.) Said application shall be made at the City Right-of-Way Department.

c.) Said application shall contain an adequate description of the use to be made of the occupied portion of City right-of-way including the size, location, purpose and type of structure to be located thereupon.

2.) DEPARTMENTAL APPROVALS REQUIRED

Before any permit shall be granted, the same shall be reviewed by and approved by the Police and Traffic Engineering Department.

3.) CONDITIONS OF PERMIT

a.) INDEMNITY:

No permit shall be granted unless applicant shall have undertaken to indemnify and save harmless, the City of Fort Wayne of and from any and all losses or claims

PAGE TWO

which may be asserted by anyone by reason of the granting of such permit and the occupancy of right-of-way by applicant.

b.) FEE:

Applicant shall pay the fee hereinafter specified.

c.) RESTORATION:

Applicant shall covenant to restore the right-of-way at the conclusion of occupancy.

d.) BARRICADES AND SIGNS:

All barricades and signs shall conform with the latest revision of the Indiana Manual on Uniform Traffic Control Devices (copies of which are available for purchase from the Right-of-Way Department) as well as any additional requirements deemed appropriate by the Traffic Engineering Department when necessitated by special or additional safety considerations. Permittees shall bear the expense of obtaining, erecting, maintaining and removing barricades and signs unless the Board of Public Works and Safety shall grant an exception in the case of not for profit civic events such as parades, festivals, races, marathons, block parties, and the like. Applicant shall also designate a representative and 24-hour phone number for notification by City when maintenance of barricading is required.

4.) FEE SCHEDULE

SINGLE POINT BARRICADING:

<u>Type Street</u>	<u>Complete Closure</u>	<u>Traffic Lane Restrictions</u>	<u>Non Traffic Restrictions</u>
Residential	\$50.00/week	\$20.00/week	\$20.00/week
Collector	\$60.00 plus \$30.00/day/lane	\$30.00/day/lane	\$20.00/week
Arterial	\$100.00 plus \$50.00/day/lane	\$50.00/day/lane	\$20.00/week

MULTI POINT BARRICADING:

<u>0 - 5 MILES</u>	<u>6 - 10 MILES</u>	<u>11+ MILES</u>
\$500.00	\$1000.00	\$100.00/MILE

PAGE THREE

5.) PENALTY FOR VIOLATION

Any person who fails to obtain the necessary right-of-way occupancy permit is guilty of a misdemeanor and shall be penalized one hundred dollars (\$100.00) per day until such time as an approved permit is obtained, in addition to becoming liable for the appropriate fee from the date said occupancy begins. Enforcement proceedings may be initiated upon complaint by the Right-of-Way Department or any affected individual.

6.) EFFECTIVE DATE OF RULES AND REGULATIONS

These rules and regulations shall become effective upon the adoption of a Resolution ratifying the same by the Common Council of the City of Fort Wayne.

APPROVED AND ADOPTED THIS 10th DAY OF August, 1988.

BOARD OF PUBLIC WORKS AND SAFETY

Angela S. Derheimer
Angela S. Derheimer
Director of Public Works

Gregory A. Purcell
Gregory A. Purcell
Acting Director of Public
Safety

C. David Silletto
C. David Silletto
Director of Administration &
Finance

ATTEST: Alex W. Goshenauer
Clerk

Read the first time in full and on motion by Bradbury,
seconded by Zelma, and duly adopted, read the second time by
title and referred to the Committee on Legislation (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on _____, the _____, day
of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 8-23-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,
seconded by Bradbury, and duly adopted, placed on its
passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>4</u>	<u>4</u>		<u>1</u>
BRADBURY		<u>✓</u>		
BURNS		<u>✓</u>		
GIAQUINTA	<u>✓</u>			
HENRY		<u>✓</u>		
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT		<u>✓</u>		
STIER				<u>✓</u>
TALARICO	<u>✓</u>			

DATED: 9-13-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19____,

ATTEST

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

Q-88 08-38

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS AND SAFETY

SYNOPSIS OF ORDINANCE Resolution ratifying and approving Rules and

Regulations, Right-of-Way in connection with permits and fees for

for use of the City of Fort Wayne Rights-of-Way.

EFFECT OF PASSAGE Permits and fees could not be issued and charged by

the Board of Public Works and Safety

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

Mark Gensec

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (~~ORDINANCE~~) (RESOLUTION) _____ of the Common Council
_____ of the City of Fort Wayne approving Rules & Regulations,
_____ Right-of-Way Occupancy in connection with persons or
_____ organizations seeking a permit

NO

Sandra E. Kennedy
City Clerk